

REMARKS

By this Amendment, claims 2, 6, 12 and 16 have been cancelled without prejudice or disclaimer. New claims 20-25 have been added. Support for this Amendment may be found, for example, at page 29, line 1 to page 30, line 12 of Applicant's Specification. No new matter has been added. Accordingly, claims 20-25 are presently pending examination, of which claims 20, 22, 23 and 25 are independent.

Reconsideration and allowance of the present claims based on the following remarks are respectfully requested.

Claim Objections

Claims 6 and 16 were objected to for minor informalities. Applicant respectfully submits that since claims 6 and 16 have been cancelled, the objection thereof is now moot.

Accordingly, Applicant requests the withdrawal of the claim objections.

Claim Rejections

Claims 2, 6, 16, and 12 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,996,046 to Ono et al. ("Ono") in view of U.S. Patent No. 6,456,584 to Nagata et al. ("Nagata"). Applicant respectfully submits that since claims 2, 6, 16, and 12 have been cancelled, the rejection thereof is now moot.

Further, to the extent that Ono and Nagata may be relevant to the claimed subject matter of new claims 20-25, Applicant respectfully submits that neither the cited portions of Ono, Nagata, nor a reasonable combination thereof, disclose, teach, or suggest that the optical head may be retracted from a waiting position in the recorded region two or more tracks away from a boundary between the unrecorded region and the recorded region

For example, Ono discloses resuming recording at the point where recording had previously ceased due to an interruption in a recording operation. (See FIG. 4; and col. 7, lines 12-17 of Ono). Further, Nagata discloses writing signals in a first information layer and a second information layer of a multi-layered optical disk. However, the first and second information layers are layered one upon another, and therefore, do not correspond to tracks. (See FIG. 1; and col. 6, lines 43-46 of Nagata).

Accordingly, for at least these reasons, Applicant requests the withdrawal of the claim rejections and the claims be allowed.

Conclusion

All matters having been addressed and in view of the foregoing, Applicant respectfully requests the entry of this Amendment, the Examiner's reconsideration of this application, and the immediate allowance of all pending claims.

Applicant's representative remains ready to assist the Examiner in any way to facilitate and expedite the prosecution of this matter. If any point remains in issue which the Examiner feels may be best resolved through a personal or telephone interview, please contact the undersigned at the telephone number listed below.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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